

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DAVID RICHARDS,

Plaintiff,

vs.

Civil Action 2:06-CV-1077  
Judge Marbley  
Magistrate Judge King

MICHAEL J. ASTRUE, Commissioner  
of Social Security,

Defendant.

ORDER

On February 4, 2008, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the decision of the Commissioner be reversed and that the matter be remanded for further consideration of whether or not plaintiff's mental impairment satisfies Listing 12.05C. The parties were specifically advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. The decision of the Commissioner of Social Security is hereby **REVERSED** and that the matter be **REMANDED** for further consideration of whether or not plaintiff's mental impairment satisfies Listing 12.05C.

The Clerk shall enter **FINAL JUDGMENT** pursuant to Sentence 4 of 42 U.S.C. §405(g).

s/Algenon L. Marbley  
Algenon L. Marbley  
United States District Judge